

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CASIE WAGONER,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:16-cv-03118-TWP-DML
)	
JOHNNY CAPELS/NATIONAL TOUR,)	
)	
Defendant.)	

Entry Discussing Complaint and Directing Further Proceedings

I. Filing Fee

The plaintiff's request to proceed *in forma pauperis* [dkt. 2] is **granted**.

II. Discussion

Plaintiff Casie Wagoner sues her former employer National Tour Integrated Resources under Title VII of the Civil Rights Act ("Title VII") and the Age Discrimination in Employment Act ("ADEA"). She states that she was harassed, discriminated against, not paid, and ultimately fired for complaining about sexual harassment. These claims shall proceed as submitted.

Ms. Wagoner also names Johnny Capels and Sean Walton as defendants in the caption of the Complaint. These individual defendants are dismissed pursuant to 28 U.S.C. § 1915(e). The reason for this ruling is that these individual employees are not proper defendants under Title VII or the ADEA, each of which limits relief to the plaintiff's "employer" as that term is defined in those statutes. *Horwitz v. Bd. of Educ. of Avoca Sch. Dist. No. 37*, 260 F.3d 602, 610 (7th Cir. 2001) (affirming decision to only sue employer and not individuals because "we have suggested that there is no individual liability under the ADEA."); *Evoy v. Illinois State Police*, 429 F. Supp.

2d 989, 1000 (N.D. Ill. 2006) (finding that the ADA and Title VII do not support individual liability).

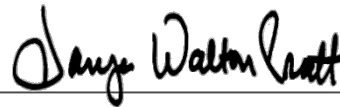
The **clerk is directed** to update the docket to reflect that “National Tour Integrated Resources” is the only defendant in this action. All other defendants have been dismissed.

III. Service of Process

The clerk is designated pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to defendant National Tour Integrated Resources in the manner specified by Rule 4(d). Process shall consist of the complaint (docket 1), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

IT IS SO ORDERED.

Date: 11/22/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

CASIE WAGONER
6403 Oriole Dr.
Lafayette, IN 47905

National Tour Integrated Resources
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